

## CHAPTER XVI

### SEWER AND WATER

#### Article I Sewers

##### 16-1 DEFINITIONS.

As used in this article:

*Apartment* shall mean a room, or suite of rooms, which is occupied as a home for one (1) or more persons.

*Building* shall mean any house, building or other structure, temporary or permanent, designed for either residential or industrial use, or any other source of sewage and industrial wastes, whether privately or publicly owned.

*Connection date* shall mean:

- a. With respect to presently existing and occupied buildings the sixtieth day after the completion and putting into operation of any sewer in any street or public way on which such building abuts;
- b. With respect to buildings in the process of construction or hereafter to be constructed, either the sixtieth day after the completion of construction or the initial occupancy of such building, whichever date is earlier, or;
- c. With respect to presently existing and occupied buildings abutting on a street or public way in which there is on March 10, 1961, any operating sewer, the sixtieth day after March 10, 1961.

*Dwelling* shall mean any house or building, not a lodging house, rooming house or inn, all or any part of which is occupied as the home or residence of a family, or of two (2) or more families living independently of each other, and having no common right to use of any hall, stairway, cellar or water closet; and whether such house is built singly, or as a part of a double house, or in conjunction with others in an attached or semi-attached row, it shall be deemed a building.

*Sewer* shall mean any line, main, conduit, pipe or other sewage disposal facility forming a part of the comprehensive sewerage system now or hereafter owned, constructed or acquired by the Borough.  
(1969 Code § 10-1)

## 16-2 CONNECTION.

**16-2.1 Connection Required.** The owner of any building located where a sewer is available or shall hereafter be made available shall, prior to such building, connect such building with such sewer, and shall cause any cesspool on the property whereon such building is located to be completely filled with solid fill.

Where two (2) or more buildings are located either on contiguous tracts in the same ownership or on one (1) tract which is capable of being divided and the ownership of one (1) building being separate from another, a separate sewer connection shall be required for each such building.

Any lot located in the Commercial Zone abutting on a street or public way in which there is an operating sewer main, shall be required to connect to the sewer main in accordance with the requirements of this chapter. It shall be the responsibility of the property owner to provide for the installation of laterals and connections from the property connection to the sewer main. The cost for same shall be borne by the property owner

and said connection shall be performed in accordance with Borough regulations and shall be inspected by the Borough Water and Sewer Department personnel. (1969 Code § 10-2.1; Ord. No. 2006-10 § 1)

**16-2.2 Connection; How Made.** Every connection required by this article shall extend from inside the building foundation to the sewer and shall in all respects comply with the rules and regulations of the Borough Board of Health. (1969 Code § 10-2.2)

**16-2.3 When Required; Notice.** When the sewer or sewers in any streets or public ways in the Borough are ready to receive sewerage, the Borough Council shall order all property owners along the lines of the sewer or sewers to connect his building therewith in accordance with the terms of this section. The Borough Council shall designate one (1) of its proper officers to give notice of the order to the owner or owners of the property. Notice shall be addressed to the owner of the property as the name of the owner appears in the last tax duplicate of the Borough, shall describe the property by lot and block designation as the same appears on the tax map of the Borough and by the street address, and shall state that by order of the Mayor and Borough Council, the owner is required to connect the building on the property with the sewer and to fill any existing cesspool with solid fill. Notice shall inform the owner of the penalty to be imposed for failure to comply with the notice and order in accordance with the terms of this section. (1969 Code § 10-2.3)

**16-2.4 Service of Notice.** Notice may be served on the owner personally or by leaving it at his usual place of abode with a member of his family above the age of eighteen (18) years if the owner has a place of abode within the Borough. Notice may also be served within or without the limits of the Borough by mailing the same by regular mail to the last known post office address of the owner as the same appears on the last tax duplicate of the Borough. (1969 Code § 10-2.4)

### **16-3 SCHEDULE OF RATES.**

#### **16-3.1 Fee Schedule.**

- a. The connection charges shall be four hundred (\$400.00) dollars for four (4") inch laterals and five hundred (\$500.00) dollars for six (6") inch laterals, and shall be due and payable to the Borough Collector-Treasurer prior to the issuance of a building permit. No building permits shall be issued until submission to the

Construction Official of a written receipt showing payment of such connection charge.

- b. The annual sewer rental charges based on the type of property shall be as follows:

- |   |                 |
|---|-----------------|
| 1. Single family private dwelling   | \$ 285.00       |
| 2. Dwelling with two (2) units (duplex)   | 570.00          |
| 3. Dwelling with three (3) units  | 855.00          |
| 4. Dwelling with four (4) units   | 1,140.00        |
| 5. Single family with two (2) to five (5) rental rooms  | 570.00          |
| 6. Dwelling with six (6) or more rental rooms and rooming houses  | Commercial Rate |
| 7. All commercial establishments and schools shall be charged based on the quarterly minimum water usage at the rate of \$285.00. The overage above the quarterly minimum water usage shall be charged at the rate of \$3.21 per 1,000 gallons. |                 |
| 8. Churches at the rate of \$285.00.<br>(1969 Code § 10-3.1; Ord. No. 80-10; Ord. No. 84-4;<br>Ord. No. 87-5; Ord. No. 92-6; Ord. No. 93-5; Ord.<br>No. 93-23; Ord. No. 95-11)  |                 |

**16-3.2 Billing Date.** The annual sewer rental charge shall be due and payable as follows:

- Due June 1 is one-half (1/2) of the current yearly basic unit charge.
- Due October 1 is the remaining one-half (1/2) of the current yearly basic unit charge.
- The owner of any house, building or lot, shall be liable for the payment of the sewer rental as fixed and established by the Borough. Unpaid sewer rental or other charges in connection with the use of sewers shall

be and constitute a lien upon the house, building or lot to which the same is or shall be furnished until the same shall be paid and satisfied. Unpaid sewer rent and other charges in connection with the Borough sewer service shall draw interest at the same rate as that applicable to unpaid taxes assessed against the real estate.

- d. Sewer rents are based on a yearly charge and are not subject to proration.
- e. All new construction shall be subject to the payment of the annual sewer rental charge for the year in which the home is occupied and a certificate of occupancy is issued. (1969 Code § 10-3.2; Ord. No. 99-3 § III; Ord. No. 2000-7 § III)

**16-3.3 Annual Review of Rates.** Charges shall be reviewed and revised annually to reflect operation and maintenance costs, including replacements and debt service. (Ord. No. 78-12 § 4)

#### **16-4 PROHIBITED WASTES.**

Wastes containing the following substances or possessing the characteristics listed below will not be accepted:

- a. Any vapors or steam.
- b. Any fluids with temperatures in excess of one hundred eighty (180°F.).
- c. Any fluid wastes which contain in excess of one hundred (100 parts per million of fat, oil or grease, either vegetable or mineral.
- d. Any volatile, explosive or flammable substances such as benzene, gasoline, naphtha, fuel oil or similar substances.

- e. Any solids or viscous matter which may cause any interference with the flow of sewage, such as sashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair or similar substances.
- f. Any fluid wastes having a pH value of less than five point five (5.5) or in excess of nine point zero (9.0) or possessing other properties capable of causing damage or hazard to sewer, structures, treatment processes, equipment or operating personnel.
- g. Any wastes containing toxic or poisonous substances in sufficient concentration to interfere with the sewage treatment process, to cause injury to animals or persons or to create an unacceptable condition in the receiving streams.
- h. Any noxious or malodorous gas or substance which is capable of causing a public nuisance.  
(Ord. No. 04-03 § 1)

**16-5 GREASE, OIL AND SAND SEPARATORS.**

- a. When, in the opinion of the Borough's Engineers, grease, oil and sand interceptors or oil reclaimers are required, they shall be provided and maintained at the expense of the owner in continuously efficient operating condition. Grease and oil interceptors shall be constructed of impervious materials, capable of withstanding abrupt and extreme change in temperature. They shall be watertight, substantially constructed and equipped with readily removable access covers. Where deemed necessary, cold water sprays shall be installed. The design and pertinent data shall be submitted to the borough for review and approval prior to construction or installation. Separators must be constructed entirely on the property of the owner.

- b. Where such a device is required and constructed, maintenance records shall be submitted quarterly to the Borough.  
(Ord. No. 04-03 § 1)

**16-6 DAMAGES TO BOROUGH SYSTEM.**

Anyone found to have discharged such prohibited substances to the sanitary sewer system shall be liable for, charged and shall pay for all damages to the system for cleanup, repairs and replacement of borough facilities and the Borough's costs for investigation, detection and enforcement, in addition to fines and penalties as provided for in Chapter I, Section 1-5. (Ord. No. 04-03 § 1)

**16-7—16-9 RESERVED.**

**Article II  
Water**

**16-10 PERMIT FOR WATER SUPPLY.**

**16-10.1 Application for Permit.** All applications for the introduction of water into any property or upon any premises, or its supply for any purpose, or for the extension of any private pipe for the distribution of such water, or for the addition of any tub, closet, basin, sink, lavatory, urinal or other fixture shall be made in writing to the Superintendent of Water, or to such other person as may be hereafter authorized by the Borough Council, upon forms to be supplied by the Borough. (1969 Code § 9-1.1)

**16-10.2 Contents of Permit.** The permit provided for by this section shall upon its face give to the Borough, or to its proper officers, agents and employees, the right to go upon or enter the property to be supplied by water, at such time or times as may be necessary, to perform work or services in connection with the water system. In addition, the permit shall contain the following information:

- a. Date of issuance.
- b. Name of the owner of the property to be supplied.
- c. Name of the person to whom the permit shall be issued.
- d. The location of the property to be supplied.
- e. The size and diameter of the required ferrule.
- f. The purpose for which the water is to be used.

Notwithstanding the issuance of such permit, no connections shall be made to the Borough water distribution main or system except under the supervision of the Superintendent of Water.

(1969 Code § 9-1.2)

**16-10.3 Payment of Fee.** The permit fee provided for by this article shall be collected by the collector of water rents prior to the issuing of a permit. In further aid of enforcement of this article, the Construction Official shall not issue a building permit on any building until he is furnished with a written receipt showing payment of the appropriate connection charge. (1969 Code § 9-1.3)

**16-10.4 Required Prior to Issuance of Building Permit.** Water permit for tap shall be applied for from the Water Superintendent prior to issuance of a building permit. (Ord. No. 74-7)

**16-10.5 Connection to Water Supply; Commercial Zone.** Any lot located in the Commercial Zone abutting on a street or public way in which there is an operating water main, shall be required to connect to the water main in accordance with the requirements of this chapter. It shall be the responsibility of the property owner to provide for the installation of laterals and connections from the property connection to the water main. The cost for same shall be borne by the property owner and said connection shall be performed in accordance with Borough regulations and shall be inspected by the Borough Water and Sewer Department personnel. (Ord. No. 2006-10 § 2)

## **16-11 WATER RATES.**

### **16-11.1 Schedule of Fees.**

- a. The fee for each permit to connect a dwelling with the Borough water supply system shall be three hundred fifty (\$350.00) dollars for three-fourth (3/4") inch services; and all services larger than this size shall be at the actual cost of installation as certified by the Borough Superintendent.

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- b. The fee for turning off the water to any property shall be fifty (\$50.00) dollars. Persons requiring turn-off service shall give at least forty-eight (48) hours notice to the Borough. The fee shall be due and payable at the time the water is turned off.

If the turn-off and turn-on occurs before the Borough's truck leaves the scene, there shall be only one fee of fifty (\$50.00) dollars. If the Borough's truck must return at a later time, there shall be two (2) fifty (\$50.00) dollar fees.

(Ord. No. 90-06 § 1; Ord. No. 2005-11 § I; Ord. No. 2015-07)

#### 16-11.2 Water Meters.

- a. All residential users of water shall not be metered, but will be charged according to the service size and at the annual charge for such service size at the annual charge per unit as listed below.

| <i>Service Size</i> | <i>Annual Charge per Unit</i> |
|---------------------|-------------------------------|
| 3/4 inch            | \$ 245.00                     |
| 1 inch              | \$ 485.00                     |
| 1-1/4 inch          | \$ 790.00                     |
| 1-1/2 inch          | \$ 930.00                     |
| 2 inch              | \$1,165.00                    |

- b. All commercial users of water shall be metered and shall be charged according to the following schedules of minimums per service size plus any overage charge:

| <i>Service Size</i> | <i>Quarterly Minimum<br/>in Gallons</i> | <i>Minimum Annual<br/>Charge per Unit</i> |
|---------------------|---|---|
| 3/4 inch            | 15,000                                  | \$ 245.00                                 |
| 1 inch              | 30,000                                  | \$ 485.00                                 |
| 1-1/4 inch          | 50,000                                  | \$ 790.00                                 |
| 1-1/2 inch          | 60,000                                  | \$ 930.00                                 |
| 2 inch              | 75,000                                  | \$1,165.00                                |

Overage for all sizes per 1,000 gallons: \$3.35

- c. Where more than one (1) business shall be included in the same tap, and where more than one (1) dwelling unit shall be included in the same tap, the above minimums and minimum charges shall be applied to each unit where on property there is located one (1) dwelling unit and a business which is a nonuser of water, the charge shall be that applicable to a single commercial unit. Units having no water outlets shall not be subject to a water charge.
- d. Where water shall be drawn from the water system for the purpose of water jets for installation of pilings and sheathing, the same shall be charged at the rate of twelve (\$12.00) dollars for each piling so installed and ten (\$0.10) cents for each piece of sheathing, but the minimum charge shall be seventy-five (\$75.00) dollars for each job. Service shall not be available between June 15 and September 15 of each year, except by permission of the Borough Council for good cause shown thereto. Permits for the above services shall be obtained from the Superintendent of Water.
- e. Where water shall be drawn for other commercial purposes the same shall be by permit only, which shall be obtained from the Superintendent of Water, who shall fix the charge of the same at a rate of not less than fifty (\$50.00) dollars per day.
- f. A fee of fifty (\$50.00) dollars shall be charged for each "turn-on" and/or "turn-off" of water supply at the tap during normal working hours.
- g. The rate for schools shall be one dollar and seventy-one (\$1.71) cents per one thousand (1,000) gallons.
- h. A fee of two hundred (\$200.00) dollars shall be charged for each emergency service requested and/or furnished by Water Department personnel during normal off-duty

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hours of the Water Department personnel.

(Ord. No. 90-06 § 1; Ord. No. 93-24; Ord. No. 95-10; Ord. No. 96-9; Ord. No. 99-3 § I; Ord. No. 2000-7 § I; Ord. No. 03-08 § I; Ord. No. 2005-11 § II; Ord. No. 2006-06 § I; Ord. No. 2008-03 § I)

**16-11.3 Special Rates.** Whenever application shall be received for the use of water from the Borough water supply for purposes not specified or classified in the foregoing subsection, a special rate or contract may be established by the Borough Council. (Ord. No. 90-06 § 1)

**16-12 WATER RENT.**

**16-12.1 When Due.** Rental for the use of water from the Borough water supply shall be due and payable as follows:

- a. Due June 1 is one-half (1/2) of the current yearly basic charge plus all overage from the previous year.
- b. Due October 1 is one-half (1/2) of the basic unit charge.
- c. The owner of any house, building or lot, shall be liable for the payment of the water rental as fixed and established by the Borough for all water used by or water service supplied to the owner or occupant of the premises. Unpaid water rents or other charges in connection with the supply of water shall be and constitute a lien upon the house, building or lot to which the same is or shall be furnished until the same shall be paid and satisfied. Unpaid water rent and other charges in connection with the Borough water supply service shall draw interest at the same rate as that applicable to unpaid taxes assessed against real estate.
- d. Water rents are based on a yearly charge and are not subject to proration.
- e. All new construction shall be subject to the payment of the annual water rental charge for the year in which the home is occupied and a certificate of occupancy is issued. (Ord. No. 90-06 § 2; Ord. No. 99-3 § II; Ord. No. 2010-02)

**16-12.2 Failure to Make Payment.** In the event that payment of any water rental is not made on or before June 1 of the year in which the same becomes due, the water supply may be shut off from such dwelling, building or other premises for which the rental has not been paid, and shall not be again supplied thereto until all arrearages of water rental with interest and penalties is fully paid and satisfied. Whenever the water supply is turned off for the failure to pay water rental when due, a fee of twelve (\$12.00) dollars shall be charged for again turning on the water. (Ord. No. 80-11)

**16-12.3 Billing Procedures.** The collector of water rents shall not be obliged to return by mail any receipted bill, unless he receives from the person requesting such receipt sufficient stamps to pay the postage on the return thereof.

Checks or money orders given in payment of water rent shall not include any items other than water rentals or charges in connection with the water supply service. (1969 Code § 9-7.3)

**16-12.4 Collection of Water Rents.** The Borough Treasurer shall act as treasurer of water rents. He shall have charge of all of the books and accounts of the water department; shall make all collections for water rents and water charges; and shall have charge of all monies arising from water rents or other water charges and deposit the same to the credit of the Borough of Surf City. He shall keep and maintain a separate ledger account for each person buying water from the Borough, and shall keep and maintain records to show the amount of rental chargeable to each person or property using the same. (1969 Code § 9-5)

## **16-13 GENERAL RULES AND REGULATIONS.**

**16-13.1 Maintenance and Repairs.** Service pipes extending from the Borough water main to the private premises of any users of water, together with service pipes upon any private premises, and apparatus and fixtures connected therewith, shall be kept in good repair and protected from frost and freezing by the owner of the premises and the users of the water. Service pipes and fixtures must be kept in repair by the user of the water at the user's expense in order to prevent any unnecessary waste of water. It is expressly stipulated that the breaking of any service pipe or other fixture shall give rise to no claim against the Borough, nor shall there be any claim for damages whatever against the Borough arising from the shutting off of water for the purpose of repairing or altering mains or connections thereto.

The Superintendent of Water is authorized and empowered to turn off the water supply upon any place or premises whenever he shall find that water is being wasted by reason of broken service pipes or fixtures. (1969 Code § 9-3.1)

**16-13.2 Laying of Service Pipes.** All service pipes and private pipes for the transmission of water must be laid to a depth of not less than twenty-four (24") inches below the surface of the ground, and it shall be unlawful for any plumber, owner or other person to lay or cause to be laid service pipes or private pipes at a less depth than that above specified. (1969 Code § 9-3.2)

**16-13.3 Tampering with Stop Cocks and Valves.** It shall be unlawful for any person to open or close any of the stop cocks or valves belonging to or under the control of the Borough, except a plumber licensed by the Borough, and in the event a stop cock or valve is turned off by a licensed plumber, he shall give notice in writing to the Superintendent of Water within forty-eight (48) hours. (1969 Code § 9-3.3)

**16-13.4 Damage to Water Works or System.** It shall be unlawful for any person to purposely break or damage in any way any engine, pump, machinery, engine hose or other structure connected with the Borough water supply, or to purposely break or damage any pipe valve, stop cock or other fixture or appurtenance connected with the Borough water supply, or to throw or place stones, earth, filth or any foreign matter or substance whatever into the reservoirs, wells or water distribution system of the Borough water supply, or to place sticks, stones or other foreign matter in any curb boxes connected with the Borough water supply. (1969 Code § 9-3.4)

**16-13.5 Excessive Use of Water.**

- a. It shall be unlawful for any person to permit water supplied by the Borough to run or flow unnecessarily or wastefully from any fixture, either within a building or upon any yard, street or other public place.

- b. When the exigencies of public interest require it, in the opinion of the Superintendent of Water or of the Borough Council, either the Superintendent of Water or the Borough Council may prohibit the use of water for sprinkling lawns, gardens, streets, etc.
- c. No piling pumping shall be performed from June 15 to September 15, and shall be permitted Monday through Friday only during the remainder of the year.
- d. *Water Conservation Restrictions.* The usage of water for the sprinkling of lawns and gardens during the peak season of June 1 through September 30, will be restricted to ODD-EVEN days. Odd number houses may water on Sundays, Wednesdays and Fridays. Even number houses may water on Tuesdays, Thursdays and Saturdays. No watering is permitted between the hours of 9:00 a.m. and 7:00 p.m. No watering is permitted on Monday. Any person or persons convicted of a violation of same shall be fined one hundred (\$100.00) dollars per violation. The penalties shall be payable to the Surf City Municipal Court by the date listed on the special compliant form.
- e. In acknowledging the need to conserve water, automatic shut off nozzles are hereby required to be placed on the end of all hoses, including but not limited to garden hoses, hoses used in the washing of cars, boats and houses, etc.
- f. All automatic irrigation sprinkler systems are hereby required to have installed thereon, rain sensors.
- g. The laying or placement of sod shall be restricted during the months of June through September, due to the amount of water utilized during the installation of same.
- h. If the Borough Superintendent or Water/Sewer Foreman determines that an occupied property has a water leak, the owner of the property will be notified by certified

mail of this condition. If repairs are not made within forty-eight (48) hours of such notification, a fee of one hundred (\$100.00) dollars per day or for a part thereof will be assessed until such repairs are completed. All unoccupied properties shall be immediately turned off until such repairs are made at a cost to be borne by the property owner.

(1969 Code § 9-3.5; Ord. No. 74-6; Ord. No. 94-7; Ord. No. 95-16; Ord. No. 2000-7 § II; Ord. No. 04-12 § I)

**16-13.6 Access to Properties.** The Superintendent of Water, and all other duly authorized agents or employees of the Borough, shall have free access to any and all premises or properties to which water is supplied by Borough, at all reasonable hours, for the purpose of making inspection, repairs, examination of the fixtures, and other work in connection with the water distribution system. No person applying for or accepting water service from the Borough shall resist or refuse to allow the Superintendent of Water or other duly authorized officer, agent or employee of the Borough, to have free access at all reasonable hours for the purposes aforesaid to premises supplied with water. (1969 Code § 9-3.6)

**16-13.7 Continuous Use of Fresh Water Prohibited.** All commercial or residential use of fresh water supplied by the Borough for air conditioning units and air cooling systems of any kind must be recycled. Proof of installed reclamation system may be requested by the Superintendent of the Water Department or the Borough Council. (Ord. No. 90-06 § 3)

**16-13.8 Changes in Rules and Regulations.** The Borough Council reserves the right to change the rules and regulations set forth in this article, and the rates for the use of water as hereinafter specified, as public interest, in the opinion of the council, may require. (1969 Code § 9-3.7; Ord. No. 90-06 § 3)

**16-14 UNAUTHORIZED USE OF WATER.**

**16-14.1 Unauthorized Water Supply.** It shall be unlawful for any person taking water from the Borough to supply water to any other person not making payment to the Borough for such water where it may furnish a supply of water, unless special permission for such act shall be granted by the Borough Council. (1969 Code § 9-2.1)

**16-14.2 Unauthorized Use of Water.** It shall be unlawful for any person to use or permit to be used on his premises water supplied by the Borough without first having arranged with the Borough for the use of such water and for payment for the same. (1969 Code § 9-2.2)

**16-15 SHUTTING OFF WATER SUPPLY.**

The Borough, acting through the Superintendent of Water and through its other duly authorized agents, reserves the right to temporarily shut off the supply of water from any person or premises whenever the making of alterations, extensions and repairs, or public exigencies of interest shall require it. The Borough shall not be liable under any circumstances for so shutting off the supply of water or for any deficiency or failure in the supply of water, whether occasioned by the shutting off of same or from any other cause whatsoever. (1969 Code § 9-4)

**16-16 NEW PIPES INSTALLED BY BOROUGH.**

**16-16.1 Liability for Damage.** Whenever, at the request of any person which has laid out new streets in the Borough, the Borough shall lay water mains in such new streets or avenues, such person shall take care to keep and cover such water mains in a manner and to a depth sufficient to protect the same against freezing, until such time as such street shall be accepted by the Borough. In the event such person shall refuse or neglect to protect such water mains against freezing, until such street shall be accepted by the Borough, then the person at whose request such water main shall have been laid shall be held liable for all damage to the water mains and for all loss of water that may occur by reason of the main freezing and breaking. (1969 Code § 9-8.1)

**16-16.2 Acceptance of Street.** Whenever water mains shall be laid in any new street, at the request of any person interested in such street and land adjacent thereto, laying and installation of water mains shall not in itself be held or considered an acceptance of the street by the Borough. (1969 Code § 9-8.2)